

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

RECEIVED

02 SEP 2004

WIPO PCT

Applicant's or agent's file reference 112068/SW/AW	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DK 02/00891	International filing date (day/month/year) 20.12.2002	Priority date (day/month/year) 17.04.2002
International Patent Classification (IPC) or both national classification and IPC B65D85/32		
Applicant BRODRENE HARTMANN AS		



- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 6 sheets.

**CORRECTED
VERSION**

- This report contains indications relating to the following items:
 - ☒ Basis of the opinion
 - ☐ Priority
 - ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Lack of unity of invention
 - ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Certain documents cited
 - ☐ Certain defects in the international application
 - ☐ Certain observations on the international application

Date of submission of the demand 25.06.2003	Date of completion of this report 03.09.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Bridault, A Telephone No. +31 70 340-3224 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/DK 02/00891**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-11 as originally filed

Claims, Numbers

1-39 received on 04.06.2004 with letter of 01.06.2004

Drawings, Sheets

1/10-10/10 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/DK 02/00891

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-39
	No: Claims	
Inventive step (IS)	Yes: Claims	1-39
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-39
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

US 3 813 027

2. D1 discloses a packaging unit from which the subject-matter of claim 1 differs in that the portions reflecting the shape of an egg are located on substantially planar end faces of the cover part. This solves the problem of providing a clear information as to the contents of the package. The ends of the cover of D1 are rounded in order to better accommodate the eggs, but these rounded portions are not made on flat surfaces (therefore the subject-matter of claim 1 is novel). The provision of the rounded portions on a flat surface enhances them being perceived as egg-shaped, which is not suggested by the available prior art (therefore said subject-matter is inventive).
3. Since claims 2 to 39 depend on claim 1, also their subject-matter meets the requirements of Article 33(2) and (3) PCT.

AMENDED CLAIMS

PCT/DK 02/00891

1. A display and distribution packaging unit for eggs or similar fragile articles, said unit being made of an opaque material, e.g. moulded pulp and comprising:
- 5 - a bottom part (2) comprising non-planar side surfaces of compartments (4) so as to match at least partially the outer contours of the eggs contained within said unit;
- a cover part (3) comprising a top surface (10) and substantially planar front- and rear surfaces (14, 15);
- 10 where said cover part (3) comprises portions (8) reflecting the shape of the eggs contained within said unit, said portions (8) being located on substantially planar end faces (20) of said cover part (3) at either one or both longitudinal ends of the cover part (3).
- 15 2. A display and distribution packaging unit according to claim 1, where said portions (8) reflecting the shape of the eggs each comprises substantially a quarter of the total surface area of the corresponding egg.
- 20 3. A display and distribution packaging unit according to claim 1 or 2, where said substantially planar surfaces of the cover part (3) comprising said portions (8) reflecting the shape of the eggs contained in the unit are one or more of the surfaces comprising said top surface (10), front surface (14) and rear surface (15).
- 25 4. A display and distribution packaging unit according to any one of the preceding claims, where said portions (8) reflecting the shape of the eggs are formed as portions of solids of revolution with an axis of revolution substantially normal to said top surface (10) of the cover part (3).
- 30 5. A display and distribution packaging unit according to claim 1, where said non-planar side surfaces of the bottom part (3) are shaped as a portion of the surface of an egg.
6. A display and distribution packaging unit according to claim 5, where said non-planar side surfaces of the bottom part (3) are formed as portions of solids of

revolution with an axis of revolution substantially coinciding with said axis of revolution of said portions (8) in the cover part (3).

5 7. A display and distribution packaging unit according to any of the preceding claims, where said egg-shaped portions of the cover part (3) continues in said corresponding egg-shaped portions of the bottom part (2), the corresponding portions in the cover part (3) and in the bottom part (2) thereby forming a continuous portion of the surface of an egg.

10 8. A display and distribution packaging unit according to any of the preceding claims, where said egg-shaped portions (8) located at one longitudinal end or both longitudinal ends of the cover part (3) together with the corresponding egg-shaped portions in the bottom part (2) correspond to a major portion of the surface of an egg.

15 9. A display and distribution packaging unit according to claim 8, where said major portion of the surface of an egg constitutes not less than approximately 60% of the total surface of an egg.

20 10. A display and distribution packaging unit according to claim 1, where said cover part (3) on those portions (8) hereof which are formed to reflect the eggs in the unit, has a different surface structure than the remaining portions of the cover part.

25 11. A display and distribution packaging unit according to claim 10, where said surface structure is relatively smooth and the surface structure of the remaining surfaces of the unit is relatively coarse.

30 12. A display and distribution packaging unit according to claim 10, where said surface structure is relatively coarse and the surface structure of the remaining surfaces of the unit is relatively smooth.

35 13. A display and distribution packaging unit according to claim 1, 10, 11 or 12, where said bottom part (2) on those portions hereof, which are formed to match the contours of the eggs in the unit, has a different surface structure than the remaining portions of the cover part.

14. A display and distribution packaging unit according to claim 13, where said surface structure is relatively smooth and the surface structure of the remaining surfaces of the unit is relatively coarse.

5

15. A display and distribution packaging unit according to claim 13, where said surface structure is relatively coarse and the surface structure of the remaining surfaces of the unit is relatively smooth.

10

16. A display and distribution packaging unit according to claim 1, where said cover part (3) on the planar front side (14) hereof is provided with at least one opening (9) for engagement with one or more protrusions (7) provided on said bottom part (2).

15

17. A display and distribution packaging unit according to claim 16, where said engagement between the one or more protrusions (7) and corresponding openings (9) is a tight engagement around the complete circumference of the protrusion (7).

20

18. A display and distribution packaging unit according to claim 16, where the shape of said openings (9) and corresponding protrusions (7) substantially correspond to a longitudinal cross-section through an egg.

19. A display and distribution packaging unit according to claim 16, where the outer surface of said protrusions (7) is substantially planar.

25

20. A display and distribution packaging unit according to claim 16, where said outer surface of the protrusions (7) is flush with said front surface (14) of the cover part (3).

30

21. A display and distribution packaging unit according to claim 16, where the lower edge portion of said protrusions (7) is flush with said front surface (14) and where the upper edge portion of said protrusions (7) extends outwardly relative to the front surface (14).

35

22. A display and distribution packaging unit according to any of the preceding claims, where said top surface (10) and/or said front surface (14) and/or said rear

surface (15) of the cover part (3) is/are provided with graphical and/or pictorial information and/or embossing.

5 23. A display and distribution packaging unit according to any of the preceding claims, where said outer surface of the protrusions (7) is provided with graphical and/or pictorial information and/or embossing.

10 24. A display and distribution packaging unit according to any of the preceding claims, where said bottom part (2) and said cover part (3) are connected to each other by means of a hinge portion (12) extending along one edge portion of the interface between said bottom and cover parts (2, 3).

15 25. A display and distribution packaging unit according to any of the preceding claims, where the interface between said cover part (3) and said bottom part (2) inclines downwardly from the rear side of the package unit to the front side hereof, thus yielding a higher front side (14) of the cover part (3) than rear side (15) of the cover part.

20 26. A display and distribution packaging unit according to claim 25, where said interface is curved.

25 27. A display and distribution packaging unit according to claim 1, where the lower edge of said front surface (14) of the cover part (3) is curved in a downward direction beneath the interface between said cover part (3) and said bottom part (2) for extension of the area of the front surface (14) and for facilitating opening of the unit.

30 28. A display and distribution packaging unit according to claim 27, where the downward extension of the front surface (14) covers up to the total height of the bottom part (2).

29. A display and distribution packaging unit according to any of the preceding claims, where said bottom part (2) on the under side (18) hereof is provided with a pattern of supporting ribs (11) connecting base portions (19) of the egg-shaped

compartments (4) in the bottom part (2), whereby the mechanical strength of the unit is increased.

5 30. A display and distribution packaging unit according to claim 29, where said base portions (18) and said supporting ribs (19) define a substantially planar surface for placement of the unit.

10 31. A display and distribution packaging unit according to claim 29, where said base portions (18) and said supporting ribs (19) define a surface for placement of the unit, the central portions of which surface are elevated with respect to the peripheral portions hereof.

15 32. A display and distribution packaging unit according to any of the preceding claims, where said one or more protrusions (7) are provided on a flexible flap (6) placed along one upper edge portion of the bottom part (2).

20 33. A display and distribution packaging unit according to claim 32, where portions of said flexible flap (6) are formed such that they constitute a part of the walls of adjacent compartments (4).

34. A display and distribution packaging unit according to any of the preceding claims 18 to 23, where the size of said planar face of the protrusions approximately corresponds to the size of the fingertip of a thumb.

25 35. A display and distribution packaging unit according to any of the preceding claims 18 to 23, where the size of said planar face of the protrusions is within the range (20 mm to 30 mm) x (15 mm to 20 mm).

30 36. A display and distribution packaging unit according to any of the preceding claims, where said unit is formed as one integrated unit in one material.

37. A display and distribution packaging unit according to any of the preceding claims, where said compartments (4) of the bottom part (2) and said corresponding portions (8) of the cover part (3) reflecting the shape of the eggs in the unit define

internal surfaces in the unit, which surfaces correspond to a portion of the total surface of an egg.

5 38. A display and distribution packaging unit according to claim 37, where said internal surfaces in the unit correspond to at least 60% of the surface of an egg.

39. A display and distribution packaging unit according to claim 37 or 38, where said compartments (4) are furthermore provided with support structures (26) for the ends of the eggs (25) in the compartments.

10

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

The International Bureau of WIPO
34, chemin des Colombettes
CH - 1211 Geneva 20
Switzerland

PCT

NOTIFICATION CONCERNING
DOCUMENTS TRANSMITTED

Date of mailing
(day/month/year)

30.07.2004

International application No: PCT/DK 02/00891

This International Preliminary Examining Authority transmits herewith the following documents:

1. ☐ demand (Rule 61.1(a)).
2. ☒ copy of the international preliminary examination report and its annexes (Rule 71.1).
3. ☐ _____ other documents (specify).

CANCELLED

Name and mailing address of the international
preliminary examining authority:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Micheli, M


Tel. +31 70 340-3606



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference 112068/SW/AW		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/DK 02/00891	International filing date (day/month/year) 20.12.2002	Priority date (day/month/year) 17.04.2002	
International Patent Classification (IPC) or both national classification and IPC B65D85/32			
Applicant BRODRENE HARTMANN A/S			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 6 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 25.06.2003		Date of completion of this report 30.07.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Bridault, A Telephone No. +31 70 340-3224	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/DK 02/00891**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-11 as originally filed

Claims, Numbers

1-40 received on 04.02.2004 with letter of 02.02.2004

Drawings, Sheets

1/10-10/10 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

BEST AVAILABLE COPY

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/DK 02/00891**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-5, 11-16, 19, 22, 26-29, 31, 32, 36
	No: Claims	1, 6-10, 17, 18, 20, 21, 23-25, 30, 33-35, 37-40
Inventive step (IS)	Yes: Claims	19, 22, 27, 28, 29
	No: Claims	1-18, 20, 21, 23-26, 30-40
Industrial applicability (IA)	Yes: Claims	1-40
	No: Claims	

- 2. Citations and explanations**
see separate sheet

CANCELLED

BEST AVAILABLE COPY

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/DK 02/00891

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-3 813 027
D2: DE 195 30 156 A
D3: LU 79 834 A
D4: FR-A-2 731 986
D5: FR-A-2 133 279
D6: GB 329 846 A

2. D1 discloses (see in particular fig. 7; the reference numbers relating to this document) a display and distribution packaging unit for eggs, said unit being made of moulded pulp and comprising:

- a bottom part comprising non-planar side surfaces (18, 21) of compartments so as to match at least partially the outer contours of the eggs contained within said unit;
- a cover part comprising a top surface (25) and substantially planar front (26) and rear surfaces;

where said cover part comprises portions (28) reflecting the shape of the eggs contained within said unit,

where said egg-shaped portions of the cover part continue in said corresponding egg-shaped portions of the bottom part, the corresponding portions in the cover part and in the bottom part thereby forming a continuous portion of the surface of an egg.

It should be noted that, looking at the figures of the present application, for instance figure 3a, there is shown a rim (in the continuation of the hinge (12)), which separates the bottom part from the cover. Therefore, the terms "the egg-shaped portions of the cover part continue in [the] corresponding egg-shaped portions of the bottom part" must be so interpreted that the egg-shaped portions have contours shaped and positioned such that prolonging them towards each other will result in a continuous egg shape. This is also the case of the container of D1, as can be seen from figures 6 and 7 of this document.

The unit of D1 having thus all the technical features of the subject-matter of claim 1, the latter is not new.

NOT AVAILABLE COPY

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/DK 02/00891

3. A unit according to claim 1 is further disclosed in D2 (fig. 1).
4. Dependent claims 6-10, 17, 18, 20, 21, 23-25, 30, 33-35 and 37-40 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty, because the additional features of claims 6-10, 17, 20, 21, 23-25, 33-35 and 37-40 are known in combination from D1, and the additional features of claims 18 and 30 are known in combination from D2.
5. Dependent claims 2-5, 11-16, 26, 31, 32 and 36 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, the reasons being as follows:
- the additional features of claims 2-5 are known from D3 (fig. 2);
 - the additional features of claims 11 to 16 relate to the aesthetics of the package. Making some parts of an object coarse and others smooth in relation with the printing of said parts is generally known, see D4. Now, defining which parts will have the coarse structure, and which ones will have the smooth structure is only a choice dictated by aesthetic considerations;
 - the additional features of claim 26 are known from D5;
 - the additional features of claims 31 and 32 are known from D6, and
 - the additional features of claim 36 are a mere matter of design and are directly dictated by the intended use of the protrusions (being pushable by a finger).
6. The combination of the features of dependent claims 19, 22, 27 and 28 is neither disclosed in, nor suggested by the available prior art. The subject-matter of these claims therefore meets the requirements set forth in article 33(1) PCT. Since claim 29 depends on claim 28, its subject-matter meets said requirements, too.

BEST AVAILABLE COPY